



City of Las Vegas

Agenda Item No.: 12.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 13, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: BEYANEE - SDR-34469 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING APPLICANT OWNER: GORDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITIONAL VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES, EASEMENT RENOVATIONS; AND TWO PORTE COCHERES ADJACENT TO THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) and IPR Professional Office and Parking Zones, Ward 1 (Tarkanian)

C.C.: 09/16/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:
APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda Supplemental Sheet and Photos

Motion made by VICKI QUINN to Approve subject to conditions amending Condition 3 as read for the record:

3. All development shall be in conformance with the site plan and building elevations, date stamped 05/12/09, and landscape plan, date stamped 05/27/09, except as amended by conditions herein.

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0

VICKI QUINN, GLENN TROWBRIDGE, RICHARD TRUESDELL, GUS FLANGAS;
(Against-KEEN ELLSWORTH, BYRON GOYNES, STEVEN EVANS); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

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CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated that the item was previously held in abeyance to allow the applicant time to address code enforcement issues. Staff has since inspected the site and found that vehicles continue to be parked in the buffer zones, and landscape materials are missing from planters, as required by Code. Although these issues are pending, staff recommended approval, as the proposed changes are in conformance with Title 19 and will improve the site with additional landscaped areas. If approved, Condition 3 would need to be revised to reflect the correct site plan and building elevations, date stamped 5/12/2009, and landscape plan, date stamped 5/27/2009, which have been submitted for the record.

ATTORNEY CHANA CROME, 520 South 4th Street, and JACOB YOUNG, architect, appeared on behalf of the applicant. ATTORNEY CROME explained that due to the recession, the applicant is in the process of switching the Hummer dealership into a Smart Car lot. She showed photos verifying that the previous issues, with the exception of one, have been resolved.

TODD FARLOW believed that continuous non-compliance should suffice a denial of the applicant's request. If approved, he questioned what measures would be taken to avoid the applicant violating some of the conditions once again.

Referring to the photos displayed, CHAIR TROWBRIDGE noted that some of the Hummers are still parked in buffer zones. ATTORNEY CROME assured the Commission that, if approved, she would follow-up with her client and ensure compliance is enforced. In addition, she noted staff's recommendation for approval despite the landscaping issue and asked the Commission to grant their request. The applicant has a desire to maintain their dealership despite the economy.

Although he liked the idea of a Smart Car dealership, COMMISSIONER TRUESDELL emphasized that the landscape issue continues to exist. He does not want to see boarded-up dealerships but, more importantly, communities are cheapened when vehicles are parked in landscaped areas. He desired to see a review period imposed as a condition should the application be approved.

COMMISSIONER QUINN visited the site. Although she still had seen vehicles in buffer zones, she praised the applicant for the improvements done on the site. The site is clean, and she was pleased to see the graffiti removed and trees have been planted. She expressed her support given a condition of a review period, as she was comfortable with the applicant's reputation and clean up efforts.

COMMISSIONER EVANS was aware of one of the vehicles being parked in a buffer zone then relocated intermittently. He was somewhat uncomfortable with this request, as he recalled the applicant being previously admonished for violating the Code on what was the main issue, yet the issue remains, and the applicant is now requesting an additional approval. ATTORNEY CROME emphasized the applicant's intentions to comply, noting that this is the only unresolved matter. She reiterated her commitment to follow-up with the applicant, as well as the Town staff, to ensure compliance. She wholeheartedly supported a review period and was confident that upon review, there would not be any issues.

ASSISTANT CITY ATTORNEY BRYAN SCOTT informed the Commission that because this application is a site development plan review and not a special use permit, a review period is

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irrelevant due to the fact that the site is already developed. He informed COMMISSIONER GOYNES that if non-compliance takes place, then Code Enforcement would be the next step to take.

MARGO WHEELER, Director of Planning and Development, added that there has been a considerable amount of inspections revealing non-compliance, so Code Enforcement has been active with inspecting this subject facility. She advised COMMISSIONER ELLSWORTH that if the request is denied, the applicant would not be able to build the structure, do renovations nor add the porte cocheres. The Commissioner felt the applicant only complies when it serves in the best interest of themselves and would not cease parking these vehicles in the buffer areas. MS. WHEELER emphasized that it is apparent that the applicant has a history of non-compliance, but the Commission's action should only revolve around whether or not they will be allowed to make the requested physical improvements.

CHAIR TROWBRIDGE questioned what can be done on the Planning Commission's part to assist in ensuring compliance from the applicant. ASSISTANT CITY ATTORNEY SCOTT responded that there is an existing condition requiring compliance with all previously approved applications. Ultimately, the applicant could risk losing their license.

CHAIR TROWBRIDGE declared the Public Hearing closed.

